

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH THOMPCKINS, JR.,

Defendant.

:

:

Case No. 3:17cr183

:

JUDGE WALTER H. RICE

:

DECISION AND ENTRY GRANTING DEFENDANT'S MOTION FOR
RECONSIDERATION (DOC. #81) OF PREVIOUSLY IMPOSED DETENTION
ORDER BUT, FOLLOWING RECONSIDERATION, DECLINING TO
MODIFY OR GRANT DEFENDANT RELEASE FROM DETENTION;
REASONING SET FORTH


Defendant herein has moved this Court for reconsideration of a previously imposed order of detention by Magistrate Michael J. Newman and, additionally, to grant relief from said detention order (Doc. #81). While the Court has indeed reconsidered, even conducting a hearing upon said motion, this Court, based upon the following reasons, declines to grant relief from said detention order, concluding that there exists no condition or combination of conditions as would assure the safety of the community or the Defendant's continued appearance in this case.

Defendant is charged, by grand jury Indictment, with one count of conspiracy and one count of knowingly and intentionally possessing with intent to distribute in excess of five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a charge which, should Defendant be convicted, carries a minimum mandatory sentence of ten years up to life imprisonment. Accordingly, Defendant is subject to a rebuttable presumption that "no condition or combination of conditions will reasonably assure the appearance of the [defendant] as required and the safety of the community." As revealed in the report of the Pretrial Services

Office in the Northern District of Illinois, under date of March 8, 2018, Defendant has a lengthy criminal history, beginning when he was some 19 years of age. Not only does he have five prior felonies, he was released from a nine-year period of incarceration, following the last such conviction (distribution of cocaine), recently enough that he is still on supervised release to the Northern District of Illinois. He has, while on supervision, tested positive for controlled substances.

The above, together with the fact that he has absolutely no connection with the Southern District of Ohio, leads this Court to conclude that not only has Defendant not rebutted the above-referenced presumption, but that even, assuming *arguendo*, he had done so, the Government would have shown, by clear and convincing evidence, that there exists no condition or combination of conditions such as to reasonably assure the appearance of Defendant as required and, the safety of the community.

January 2, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record